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TAGS: [PHUM](#) [KCRM](#) [PGOV](#) [ASEC](#) [BR](#)
SUBJECT: PUBLIC SECURITY IN SAO PAULO: HUMAN RIGHTS ACTIVISTS
CRITICIZE GOVERNMENT

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SENSITIVE BUT UNCLASSIFIED - PLEASE PROTECT ACCORDINGLY

Summary

11. (SBU) Although public security remains one of the most serious policy challenges in Brazil, civil society researchers and law enforcement analysts in Sao Paulo believe that the federal and state governments are taking inadequate action to tackle the issue or to coordinate with each other in fighting crime. These concerns - together with police corruption, a lack of teamwork among law enforcement agencies, dismal prison conditions, and the public's failure to demand change - all contribute to a troubled situation in Sao Paulo State that may be getting worse. This cable is one in an occasional series of reports by Mission Brazil on public security issues. End Summary.

Challenges Confronting Law Enforcement

12. (SBU) Poloff met recently with NGO representatives and policy experts to discuss the huge challenge the Sao Paulo State Government faces in battling crime and violence. State Secretariat for Public Security (SESP) Analysis and Planning Coordinator Tulio Kahn stated that the rapid growth of Brazilian cities has led to serious crime increases and that in order to keep up with the increasing number of people behind bars, the government would have to build a new prison every month. (Note: According to press reports, the Sao Paulo prison system is 42,000 inmates over capacity and needs to build 60 new facilities, each with a capacity of 700 prisoners, to accommodate those presently in jails. End Note.)

13. (SBU) Overcrowding, combined with generally poor prison conditions (ref A), has created new problems, including facilitating the rise of large criminal networks such as the First Capital Command (PCC). While PCC income originally came from illegal

activities conducted within the prisons, the gang is now focusing its efforts on the drug trade on the outside, therefore expanding its reach, Kahn said.

14. (SBU) Eloisa Machado, Program Coordinator for the human rights NGO "Conectas," cited a host of reasons for why public security problems persist: police violence; a broken adult prison system plagued by overcrowding, lack of hygiene, and staff abuse; lack of legal protection for victims; too few judges; and no history of providing assistance or support to inmates. She charged that the state government purposely "criminalizes" civil society, accusing human rights NGOs such as her own that defend the innocent of instigating violence and inspiring criminal organizations.

15. (SBU) Pro Bono Institute Director Marcos Fuchs, whose NGO researches police abuse and defends some crime victims, said public security is difficult to tackle in part because state and federal entities refuse to cooperate. The Justice Ministry either does not have complete data on crime or lacks an integrated statistical database, making it difficult to quantify the problem or to follow trends. Law enforcement entities do not see the purpose in working with their counterparts in other states and do not want to share information, he added. Fuchs believes security agencies lack a teamwork culture and fear that shared information will be leaked to the media and make them look ineffective. To make matters worse, corruption is endemic in the law enforcement field and negatively affects all aspects of the criminal justice system. From Fuchs's perspective, the state, by paying a police officer a minimal salary to work with no support, may as well be asking the officer to accept bribes.

16. (SBU) Sou da Paz ("I am for Peace") Institute Policy Coordinator
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Daniel Mack noted that civil society has stepped in as government vacillates on taking action to combat crime. According to Mack, organizations such as Sou da Paz, an NGO that focuses primarily on reducing violence through educational and public policy programs, have come to the realization that urban violence does not just derive from poverty or social inequality. Mack blames much of criminal warfare on the widespread availability of guns, a perceived need to carry firearms and the belief among youth that violence is a practical method for settling disputes. Police brutality and the dismal state of the prison system, which turns petty lawbreakers into hardened criminals, only exacerbate this desperate situation, he added.

Sao Paulo State - Avoiding the Issue?

17. (SBU) Professor Paulo Mesquita Neto, a researcher at the University of Sao Paulo's Center for the Study of Violence (USP-NEV), explained that neither the state nor federal police have taken any concrete steps to deal with the long-term problems that led to the May 2006 PCC uprising (ref B). Mesquita pointed to the presence of Brazil's National Public Security Force (NPSF, a contingent composed of military police drawn from all the states) in Rio de Janeiro during the July 2007 Pan-American Games as proof that a federal presence is a more effective deterrent against crime. Sao Paulo Governor Claudio Lembo declined President Lula's offer in May and again in August of federal troops (these would have meant soldiers from the Brazilian armed forces or members of the NPSF) after the PCC violence, and his successor, Jose Serra, has also stated that Sao Paulo prefers to deal with the problem itself. Mesquita believes federal forces could deliver concrete results but that state officials think criminal gangs no longer pose a major concern, or, at the very least, they do not want to admit publicly that they cannot handle the problem. According to Mesquita, Governor Serra's administration has chosen not to concentrate on public security in order to avoid having the media highlight ongoing problems. The government, he claims, has not initiated any plans for major reform of the prison system or state police, nor developed a strategy to reduce violence or crime.

18. (SBU) Sou da Paz Coordinator Mack noted that the state's response to crime often leads to a ballooning effect. He pointed to

the police response to the 2006 PCC wave of violence as a classic example of disproportionate law enforcement reaction that fuels further crime. The military police, he claims, went on a rampage and murdered innocent bystanders based on sketchy evidence that they were members of or linked to the PCC (ref C). Pro Bono Institute's Fuchs made similar charges. Mack said that instead of using media reports of police brutality as an opportunity to implement changes in security forces and the prison system, the government remained paralyzed or took an "ostrich" approach to the problem. Mack recognized, however, that reforms would be both politically and financially painful and that an attempt at "cleaning up" would expose more abuses.

¶9. (SBU) Conectas Coordinator Machado alleged that it is very probable that police officers, some state judges and senior-level officials at SESP were involved in the excessive response to the PCC episode or at least had prior knowledge of it. Agreeing with Machado, Fuchs of the Pro Bono Institute charged that even former Governor Geraldo Alckmin knew of an agreement between the state and the gang, in which the PCC regularly paid off state officials to keep police actions limited to a certain number. When the PCC did not pay or possibly paid late, these state officials ordered the police to go on a killing rampage, Fuchs said. (Note: This is but one of many conspiracy theories making the rounds about the May 2006 PCC uprising and the police response, and the smaller incidents in July and August. There is no reliable supporting evidence for any of them, but few "Paulistas" or Brazilians are willing to discard them. End Note.)

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¶10. (SBU) In a recent conversation (septel) with the Consul General, Sao Paulo Assistant Mayor (and long-time Serra ally and advisor) Andrea Matarazzo strongly defended the state government's efforts to combat organized crime and violence. He claimed that previous Governors had lost control of the military and civil police and that Serra and his security team were wresting it back. He also cited successes in keeping incarcerated PCC leaders and members from communicating via cell phone, and pointed out that there have been no new episodes of PCC violence in over a year.

Public Views on Crime and Police Reform

¶11. (SBU) An additional problem with public security reform is the public's failure to demand that authorities address the issue, said Mack of Sou da Paz. Of particular importance is judicial reform, which is a critical need because judges often protect corrupt police officers. According to SESP Coordinator Kahn, public security remains much more a state and local election issue than a matter for national campaigns. Political consultant Rogerio Schmitt of Brazil's most prominent polling firm, Tendencias, said crime is one of the top three concerns for Brazilians based on public opinion polls but has not become a national election issue. He speculated that presidential aspirants do not focus on crime because they do not want to appear "too tough" or right-wing and therefore reminiscent of Brazil's past military dictators. Other commentators echoed the view that - with a few notable exceptions - most Brazilian politicians tend to avoid "politically incorrect" utterances and stances that might leave them vulnerable to charges of being rightist or even fascist.

¶12. (SBU) Sou da Paz's Mack further stated that Brazilians simply do not care enough about what is happening in their prisons. Brazilians also generally believe that defending human rights in the context of violence and police corruption actually leads to the defense of criminals. He said that media are increasing their coverage of abuses and NGOs are raising the profile of the issues but that only now is public awareness of the subject coming to light. With respect to the 2006 PCC uprising, Conectas Coordinator Machado pointed out that the public actually supported the police's violent retaliation against the gang.

Comment

¶13. (SBU) Conspiracy theories surrounding the May 2006 wave of violence and its aftermath abound, and it is difficult to know what degree of credence to give any of them. In our view, the PCC was clearly the aggressor, though the police response, while accepted and in some cases applauded by the public, raised serious human rights concerns. The manner in which the PCC attacks on police suddenly ceased led to widespread speculation that state authorities and gang leaders had made a deal, something then-Governor Lembo and senior members of his administration vigorously denied.

¶14. (SBU) Post maintains an ongoing dialogue with SESP and other government entities (ref D) on the state's public security priorities and initiatives and areas where the USG might be able to provide assistance or support. Unlike Mesquita, we believe the Sao Paulo State Government is making an honest effort to combat organized crime, though it certainly needs to do much more. The fact that the PCC has been largely quiescent for more than a year may or may not be considered an indicator of success, since many observers believe another outburst of gang violence is only a matter of time. The issue of using soldiers in a law enforcement context, as advocated by Professor Mesquita, is extremely sensitive in Brazil, in part because of the country's experience with a military dictatorship. Both former Governor Lembo and Governor Serra, as opposition politicians, would be hard-pressed under any circumstances to accept any federal assistance, as it would be widely viewed as an admission of their own administrations'

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inadequacies. Deploying the military in any state would also raise serious questions about federalism, particularly since many state officials reflexively resist federal intervention. In addition, coordination between federal troops and state military and civil police would present operational challenges.

¶15. (SBU) While both the federal and state governments need to take a more active role in tackling public security, one of the major challenges related to this issue is the lack of interest on the public's part to pursue change in the law enforcement area. Particularly heinous and despicable crimes generate outrage and calls for action, but attention spans are short. Until crime and violence become a topic that mobilizes Brazilian society as a whole, police corruption, deplorable prison conditions and other problems that contribute to the violence will remain. With the release of the widely popular movie, Tropa de Elite (ref E), which focuses on crime and police violence in the slums of Rio de Janeiro, public security has emerged as a topic of debate once again. The real challenge will be to keep the issue in the public eye and take action on issues the film highlighted. End Comment.

¶16. (U) This cable was coordinated with Embassy Brasilia.

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